

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Rito de Tierra Amarilla, Section 7

Subfile No.: CHTA-001-0001

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

FRANK C. SENA

JOHN M. SENA

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: 1870

Source of Water Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: SENA DITCH

Location: X= 1,567,050 feet **Y=** 2,052,298 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	42.3 acres
Total	42.3 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHTA-001-0001

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

B. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: 1870

Source of Water Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: NUTRITAS DITCH NO. 1

Location: X= 1,562,754 feet **Y=** 2,057,786 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	2.9 acres
Total	2.9 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHTA-001-0001

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

C. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: 1870

Source of Water Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: UNNAMED DITCH NO. 1

Location: X= 1,564,505 feet **Y=** 2,055,939 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	9.2 acres
Total	9.2 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHTA-001-0001

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

D. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: NONE

Source of Water NONE

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: NONE

Location: X= 0 feet Y= 0 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Within the Tierra Amarilla Grant 11.1 acres

Total 11.1 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHTA-001-0001

Amount of Water: NONE

E. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: NONE

Source of Water Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: SENA DITCH

Location: X= 1,567,050 feet Y= 2,052,298 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Within the Tierra Amarilla Grant 9.7 acres

Total 9.7 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHTA-001-0001

Amount of Water: NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

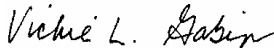
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER

SIGNATURE Frank C. SENA
FRANK C. SENA

ADDRESS: 59 CR 84
SANTA FE, NM
87506

DATE: 3-15-08

SIGNATURE John M. SENA
JOHN M. SENA

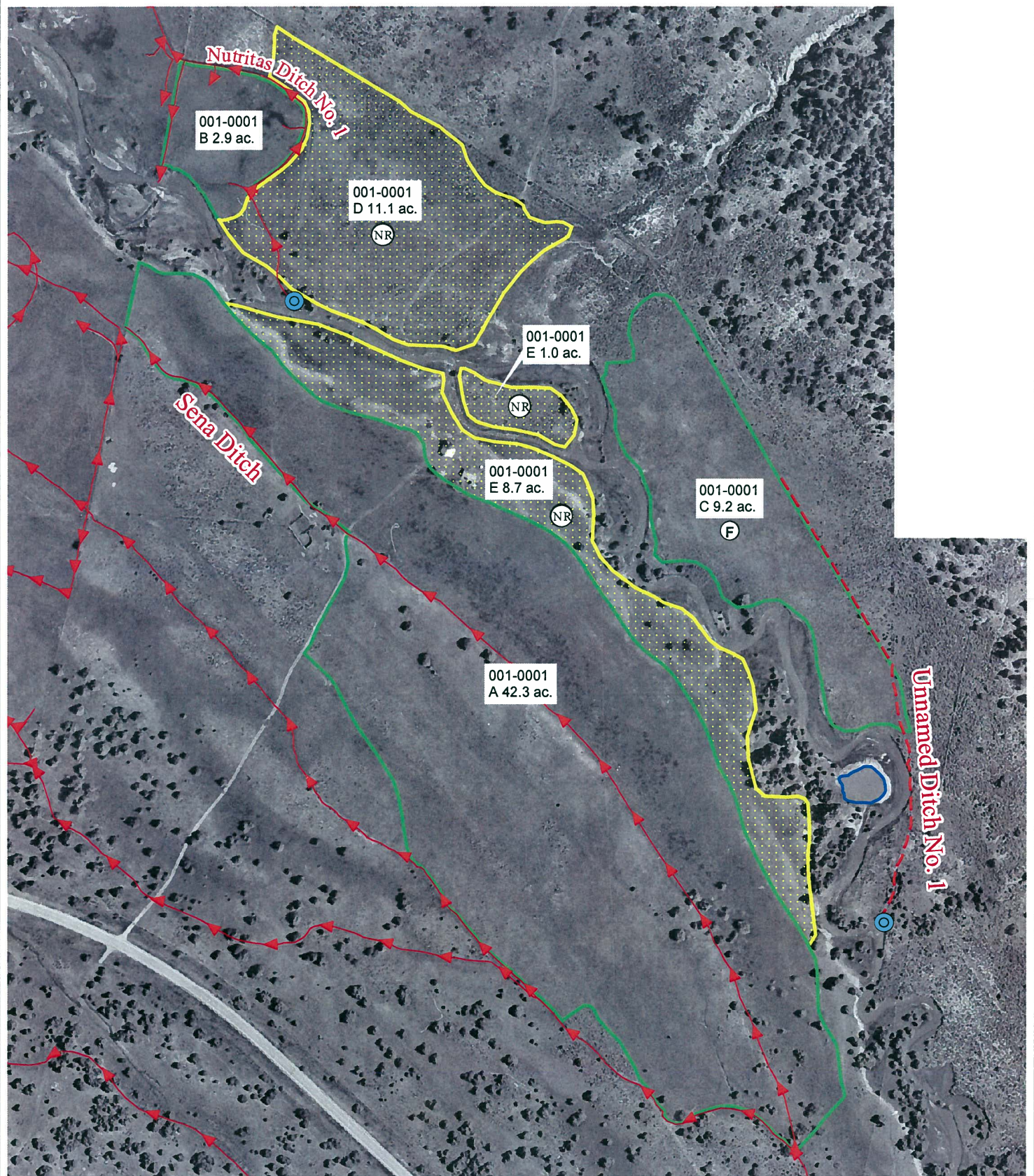
ADDRESS: 9709 Rio Genoa NW
ALBUQUERQUE NM
87114

DATE: 3-15-08

Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

3-24-08
Date

Consent Order



LEGEND

- Irrigated Tract Boundary
- No Right Tract Boundary
- Seeped Area
- Operable Ditch
- Inoperable Ditch
- Stock Ponds / Reservoir
- ⊗ Point of Diversion
- (F) Fallow
- (NR) No Right



1 inch = 400 feet

0 100 200 400
Feet

STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
Rito de Tierra Amarilla Section

Subfile Number
CHTA 001-0001
Sena Ditch &
Nutritas Ditch No.1
& Unnamed Ditch No. 1
AMENDED March 5, 2008

